NEUTRALS—12.

1 Mr. V. T. Chacko	7 Mr. P. C. Narayanan Bhattatiripad
2 ,, S. J. Nair	8 ,, K. Mohamed
3 ,, K. N. Elenkath	9 ,, K. Madhavan
4 ,, J. M. Joseph	10 ,, P. K. Thomas.
5 ,, S. Nilakanta Pillai	11 ,, S. Thiraviam Nadar.
6 ,, T. C. Joseph.	12 ,, Pacode A. Narayana Pillai.

DEPUTY PRESIDENT : The motion is lost.

THE TRAVANCORE SPECIAL MARRIAGE AND SUCCESSION BILL.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I beg to move that leave be granted to introduce the Travancore Special Marriage and Succession Bill.

MR. S. J. NAIR (*Nedumangad*): I beg to second the motion.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): I oppose the introduction of the Bill in its present form.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I shall try to explain the objects and reasons which are given at the end of the Bill. I do not wish to go into any detail at this stage of the Bill. But I wish to make clear that the Bill is only a permissive piece of legislation and that this Bill has been passed into law or a legislation similar to this has been passed into law very recently in the neighbouring State of Cochin, and as early as 1872 in British India. Sir, in British India, some classes like the Hindus, the Budhists, the Sikhs and the Jaines were exempted. In the 1872 Act, the Mahomedans, the Parsis and others were included. Sir, this law has been made or the provision of this Bill has been made very moderate and it *compels* no one to do anything. It has only made valid marriages that have been already contracted, or the marriages according to the present law may not be valid. Sir, the absence of a provision like this will not promote marriages, inter-communal or intes-caste marriages, but will only succeed in removing bastardised children. Sir, the Bill having been accepted in its principles and with regard to the provisions almost identical to that both in British India and in Cochin State, I appeal to the House that it should be discussed and scrutinised by this House. Sir, the necessity with regard to this piece of legislation will be obvious, from the fact that various social conferences have actually passed resolutions advocating the necessity of this Bill and have accepted the principles underlying this Bill. I may also state that difficulties are experienced by various individuals belonging to communities that happen to have contracted marital relations which are artificially restricted by certain legislations and who experience great hardship owing to the absence of a provision to legitimatize their children and afford the good sense with regard to their children. I do not think that there is anything that could be shown to be so very objectionable.

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MR. S. J. NAIR (*Nedumangad*): From the statement the member has just now made, is it not necessary that clause 17 should be amended ?

DEPUTY PRESIDENT: At this stage of the Bill, all that Mr. Kunjukrishna Pillai may do is only to give a very brief explanatory statement.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I have taken some pains to go into the question fully. But I do not want to detail the various provisions and implications of the Bill. I do not think that there is anything very objectionable in this Bill. If leave is now granted, the principles may be discussed later on. In view of the fact that similar legislation has been passed both in Cochin and in British India, I appeal to the House to give me leave to introduce this Bill.

DEPUTY PRESIDENT: The member who opposes the motion may also make a similar statement.

MR. N. E. VARUGHESE (*Tiruvalla III*): Sir, I oppose the Bill.

DEPUTY PRESIDENT: Mr. Abdur Rahiman Sahib has already opposed the motion. He will therefore speak now.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Sir, the Bill aims at free marriages being effected between various communities including Moslems. So far as the Moslems are concerned, marriage among them is a civil contract. Among Christians who believe in the scriptures, marriage is permissible with other communities under certain conditions. But that does not mean that marriage can be tolerated even in regard to other communities. In British India when the Act was passed in 1872, it was made applicable only to Christians, Jews and others but not Mahomedans. In 1921, the Bill to amend that Act was not extended to Moslems. As there is no demand from the Moslem public for a legislation like this, and as no difficulties have arisen in respect of that community, I do not think that even a permissible legislation like this is necessary for the Moslems. If Moslems are excluded from this Bill, I have no objection to leave being granted.

MR. K. R. ELENKATH (*Kalkulam I*): The member is not sufficiently audible.

DEPUTY PRESIDENT: I have been listening to the speech of Mr. Abdur Rahiman. He has so far taken up only a limited position, namely, how the Bill affects the Moslem community. Mr. Kunjukrishna Pillai in his speech has not made any special mention of Moslems. I don't say that Mr. Abdur Rahiman is not entitled to speak upon that aspect alone. But the Bill deals with a general question. Under the rules when one member opposes it, no other member will have the opportunity to speak. So I am suggesting to him that the general question be considered.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): The Bill may be considered in its general aspects. But my view is that Moslems may be excluded from its purview.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Are there not personal laws governing marriages in almost all important communities of the State ?

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MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Yes. That being the case, there is no necessity for a special law at this juncture. So far as the Moslems are concerned, they are satisfied with the present law they have; and so far as my knowledge goes, no necessity has arisen to include the Moslems also within the ambit of this Bill.

DEPUTY PRESIDENT: That is not the question before the House now. There is a motion made asking for leave to introduce a general law. Mr. Abdur Rahiman, by standing up to oppose, has deprived other members of the opportunity of talking. If he confines himself merely to Moslems, his opposition will be a qualified opposition. It would mean that he is in favour of the Bill so far as the other communities are concerned.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Is it not open to other members also to speak?

DEPUTY PRESIDENT: The difficulty arises out of the fact that the rules allow only one member to speak.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): If there is any other member who also wishes to oppose it, he may also be allowed to speak.

DEPUTY PRESIDENT: The rule cannot be changed. If any section of the public is not served because one member has stood up to oppose it on a qualified ground, he must take the consequences. Only one member has got the opportunity of opposing it under the rules.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): The mover referred to the fact that various conferences had urged the necessity for this Bill. So far as I am aware, there was no conference of Moslems advocating the need of this Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, let me make an explanation. The question of the exclusion of the Moslems can be considered at the stage of the Select Committee. The only question for consideration now is whether there is any necessity for a general law like this.

DEPUTY PRESIDENT: Anyhow Mr. Abdur Rahiman can make his statement. The statement has to be very brief.

MR. N. ABDUR RAHIMAN BAHIB (*Nominated*): Four conditions have been laid down in the Bill. The first is that neither party at the time of marriage should have the husband or wife living. The second is that the man must not be below 18 years of age and the woman not below 16 years of age. If they are below that age, the consent of the guardian must be obtained. Again the fourth condition is that the parties should not be related by affinity or consanguinity. The first condition strikes at the very root of Mahomadan Law.

DEPUTY PRESIDENT: These conditions do not arise at this stage.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): The consent of the guardian is made an imperative condition if the parties are below a certain age. That also, in my opinion, is not necessary. The last condition is already there in the present law of the Muslims. On these grounds, I oppose leave being granted to the Bill.

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The motion that leave be granted to the introduction of the Bil was then put and carried.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

DEPUTY PRESIDENT: We now proceed to the discussion of the resolutions. Mr. Janardana Kamath may move his resolution.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): Sir, I move the following resolution :—

"This Assembly recommends to the Government that the fee payable under the Court Fee Regulation may be reduced by 50 per cent. in view of the wide-spread economic depression".

ഇപ്രകാരം ഒരു പ്രമേയം അവതരിപ്പിക്കുന്നതിനുള്ള കാരണം ഇപ്പോഴത്തെ സാമ്പത്തികാധഃപതനംകൊണ്ട് ജനങ്ങൾ പലവിധത്തിൽ ഉള്ള കഷ്ടതകൾ അനുഭവിച്ചുവരുന്നു എന്നുള്ളതാകുന്നു. ജനങ്ങളുടെ കഷ്ടതകളേയും ധനസ്ഥിതിയേയുംപറ്റി ഈസഭയിൽ പലഅവസരങ്ങളിലും പലരുംപ്രസ്താവിച്ചുകഴിഞ്ഞിട്ടുണ്ട്. ഭൂമിയിൽ ഉണ്ടാകുന്നവിളവും അതിനുകിട്ടുന്നവിലയും വളരെകുറവാണ്. തൻമൂലം കൃഷിക്കാർക്ക് അവരുടെ നിത്യതകഴിച്ചുകൂട്ടാൻപോലും വളരെ വിഷമം ഉണ്ടാകുന്നുണ്ട്. അതുപോലെതന്നെ കച്ചവടക്കാരും കഷ്ടപ്പെടുന്നു. കടംകൊടുക്കാതെ കച്ചവടം നടക്കുന്നതല്ലാ. കടം കൊടുത്താൽ അതായതു ഗഡുവിൽ പിരിഞ്ഞുകിട്ടുകയുമില്ല. അതോടുകൂടി കച്ചവടത്തിന്റെ അഭിവൃദ്ധി കുറഞ്ഞുവരികയും കച്ചവടം കഴുപ്പത്തിലാവുകയും ചെയ്യും. സിവിൽകോടതികളിൽ അയയ്പ്പാപിക്കുന്ന ഭൂരിപക്ഷം കക്ഷികളും ഈ തരത്തിൽ വലയുന്ന കൃഷിക്കാരും കച്ചവടക്കാരുമാണ്. അവർക്കുണ്ടാകുന്ന കഷ്ടതകളിൽനിന്നും അവരെ രക്ഷിക്കേണ്ടതു ഗവണ്മെന്റിന്റെ ഒഴിച്ചുവയ്ക്കുവാൻ പാടില്ലാത്ത കടമയാണെന്ന് ഞാൻ ഗവണ്മെന്റിനെ ഉൽബോധിപ്പിച്ചുകൊള്ളുന്നു.

കൃഷിക്കാരോടു ഭൂനികുതിയും കച്ചവടക്കാരോടു ആദായനികുതിയും ഈടാക്കുന്ന വിഷയത്തിൽ ഗവണ്മെന്റു യാതൊരു ദാക്ഷിണ്യവും കാണിക്കാതെ ഈടാക്കിവരുന്നു.

ഇപ്പോൾ നടപ്പിൽ ഇരിക്കുന്ന കോർട്ട്ഫീസ് റഗുലേഷൻ ഉദ്ദേശം 25 കൊല്ലം മുമ്പ് ഉണ്ടാക്കിയിട്ടുള്ളതാണ്. അന്നത്തെ സാമ്പത്തികനില അനുസരിച്ചാണ് അന്ന് ഈ റഗുലേഷൻ ഉണ്ടാക്കപ്പെട്ടത്. ഇന്നത്തെ നില അന്നത്തേതിൽ നിന്നും വളരെ വ്യത്യസ്തപ്പെട്ടതാണ്.

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